

REMARKS

This paper is filed in response to the Office Action dated September 8, 2005 received in the above-referenced case. In the Office Action, the Examiner acknowledged and confirmed election of species 7 and 8 and withdrew claims 1-16, 24, 25, 30-33, 37, 38, and 42-51 as corresponding thereto. Claims 17, 18, 22, 23, 34-36, and 39-41 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No.: 5,636,643, to Argenta, *et al.*, (hereinafter "Argenta"). Claims 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Argenta in view of U.S. Patent No.: 5,868,933 to Patrick *et al.*, (hereinafter "Patrick"). Claims 26-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Argenta in view of U.S. Patent Application No.: US 2003/0050594 to Zamierowski (hereinafter "Zamierowski").

Interview Summary

Applicant wishes to again thank Examiner Erezzo for the in-person interview conducted at the USPTO on December 5, 2005. During the interview, the Argenta reference presented in the §102 and §103 rejections of the Office Action of September 8, 2005 was discussed and a proposed amendment to the currently-pending claims was presented. It was agreed that the proposed amendment to independent claims 17 and 34 would overcome the §102 and §103 rejections since Argenta fails to teach a housing having a chamber and an osmotic cell for removing fluid from a sponge to the chamber. The amendments to claims 17 and 34 proposed in the interview are presented formally in this paper.

By this paper, claims 17, 18, 20-22, 26-29, 34-36, and 40 have been amended. Claims 17 and 34 have been amended as presented in the interview of December 5, 2005. Other claims have been amended to render them consistent with the amendments made to the independent claims and to more particularly claim the elected species. Claims 52-64 have been added to more particularly claim features of the elected species. As a result, claims 17-23, 26-29, 34-36, 40, and 52-64 are currently pending in the Application. A paragraph of the specification has been amended to correct a typographical error. Applicant respectfully submits that in light of the

above amendments, the present application is in condition for allowance and respectfully requests passage to allowance.

§102 Rejection of the Claims

Claims 17, 18, 22, 23, 34-36, and 39-41 were rejected under 35 U.S.C. §102(b) as being anticipated by Argenta. For a reference to anticipate a claim under 35 U.S.C. §102(b), “each and every element as set forth in the claim [must be] found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987), cited in MPEP §2131. As proposed in the interview, claims 17 and 34 are hereby amended to state that the housing of the devices includes a chamber for receiving a fluid and an osmotic cell for removing fluid from a sponge and transporting it into the chamber. As agreed during the interview of December 5, 2005, “Argenta fails to teach a housing having a chamber and an osmotic cell for removing the fluid from a sponge to the chamber.” Interview Summary, December 5, 2005. As a result, Applicant respectfully requests that this rejection be withdrawn since Argenta does not teach each and every element of the claims as amended.

§103 Rejections of the Claims

Claims 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Argenta in view of Patrick. Claims 26-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Argenta in view of Zamierowski. As with 35 U.S.C. §102 rejections, rejections under 35 U.S.C. §103(a) must teach each and every element of the claims. As amended, as noted above, Argenta fails to teach a housing having a chamber and an osmotic cell for removing the fluid from a sponge to the chamber. Neither Patrick nor Zamierowski teaches such limitations. Applicant thus respectfully requests withdrawal of these rejections.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s attorney (801-978-2186) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account
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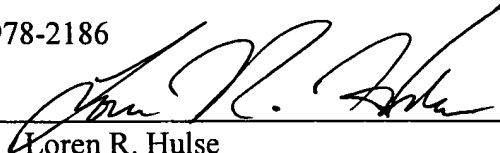
Respectfully submitted,

ASHOK V. JOSHI

By his Representative,

Date Dec 8, 2005

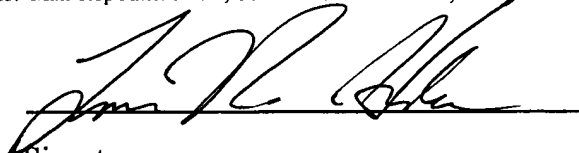
801-978-2186

By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of December, 2005.

Loren R. Hulse

Name


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